

REMARKS

Claims 1-7, 9-57, 60-100, 102-150 and 153-192 are pending in the application. Of those, claims 16-26, 38-52, 63-93, 109-119, 131-145 and 156-186 were previously withdrawn as being directed to a non-elected invention. Claims 8, 58, 59, 101, 151, and 152 were previously canceled without prejudice. Base claims 1 and 94 are amended. No new matter is added.

Claims 1-11, 14, 15, 94-104, 107, 108, 187, and 190 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner et al. (U.S. Patent No. 6,172,677) in view of Farris et al. (U.S. Patent No. 5,881,131), and further in view of Yen et al. (U.S. Patent No. 5,991,799). Claims 12 and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner et al., Farris et al., and Yen et al., and further in view of Dillon et al. (U.S. Patent Application Publication No. 2002/0059526). Claims 13 and 106 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner et al., Farris et al., and Yen et al., and further in view of Alexander et al. (U.S. Patent No. 6,177,931). Claims 27-33, 120-126, 188, and 191 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner et al. in view of Farris et al., Yen et al., Scharber et al. (U.S. Patent No. 6,374,290), and Humes (U.S. Patent No. 5,996,011). Claims 34, 35, 37, 127, 128, and 130 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner et al., Farris et al., Yen et al., Scharber et al., and Humes et al., and further in view of Cirasole et al. (U.S. Patent No. 5,987,606). Claims 36 and 129 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner et al., Farris et al., Yen et al., Scharber et al., Humes, and Cirasole et al., and further in view of Dillon et al. Claims 53-57, 60-62, 146-150, 153-155, 189, and 192 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al. in view of Farris et al. and Yen et al.

Independent claims 1 and 94 are directed to a method and system for allowing a user to access newsgroup listings via an interactive television application that is implemented using user television equipment. A plurality of program listings in the interactive television application is displayed, where at least one of the newsgroup listings is cross-referenced to an aspect of the program listing. A user is notified of the availability of the newsgroup listing related to the subject matter of the program listing and allowed to issue a command associated with viewing the newsgroup listing. In response to the user issuing the command, the newsgroup listing is displayed (see Figures 4-6B and Page 31, line 27 to Page 36, line 22).

The Examiner asserts that base claims 1 and 94 are unpatentable under 35 U.S.C. §103(a) over Stautner et al. in view of Farris et al. and Yen et al. Applicants respectfully disagree.

Farris et al. is Nonanalogous Art

The Examiner asserts that Farris et al. is analogous art (See Office Action, page 3, line 21). Applicants respectfully disagree.

In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned. *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Farris et al. teach a service provisioning system for a public switched telephone network (see Abstract of Farris) that supports service order processing. The service provisioning system operates to provision services for customers by handling customer identification information so that services such as Internet service, an email account, and domain name can be provisioned for a customer. In other words, Farris et al. disclose ways to set up services and service accounts for customers so that customer can efficiently obtain desired network services. The International field classification codes for Farris et al. include H04M 1/24 and H04M 3/08. The U.S. field classification codes include 379/ (27, 201, 207, 265) and 370/259.

In contrast with Farris et al., the present inventions, as recited in claims 1 and 94, are related to an interactive television application that allows users to access media content such as, for example, a movie while also having the ability to access cross-referenced newsgroups. While claims 1 and 94 recite interactive television applications, Stautner et al. teach an analogous interactive content guide. Stautner et al. includes the International field classification codes G06F 3/00, H04N 7/173 and the U.S. field classification codes 345/(352, 357, 348, 333) and 348/12. Also, Yen et al., which teach techniques for presenting broadcast information, includes International field classification codes G06F (13/38 and 15/17) and U.S. classifications 345/327 and 709/218.

Based on the field classifications of Staunter et al. and Yen et al., which disclose systems similar to interactive television applications or guides of the present invention, it is clear that Farris et al., which has different field classifications, is not in the same field of endeavor as the inventions recited in base claims 1 and 94.

Therefore, the only issue is whether Farris et al. "is reasonably pertinent to the particular problem with which the invention is concerned" (see *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). In other words, the issue is whether the inventions, as recited in claims 1 and 94, and the reference, Farris et al., are part of the same endeavor (see *In re Clay*, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992). Endeavors of Farris et al. includes "reducing the operating cost of provisioning identifications and business functions" and "increasing flexibility of the provisioning process to support the activation of new identifications..." (See Farris et al., col. 15, lines 40-52). In contrast, an endeavor of the present invention includes providing "a way in which an interactive television application such as an interactive television program guide may be used to assist users in accessing and interacting with newsgroups." (See Application, page 5, last paragraph). Clearly the endeavors between Farris et al. and the present inventions are very different.

Because the endeavors of Farris et al. and the present inventions are different, Farris et al. is not reasonably pertinent to the problem being solved by claims 1 and 94. Therefore, the § 103 Rejection based on Stautner et al. in view of Farris et al. and Yen et al. must be withdrawn because Farris et al. is nonanalogous art.

Yen et al. do not teach cross-referencing at least one newsgroup listing based on an aspect of the program listing

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The systems and methods disclosed in independent claims 1 and 94 teach the cross-referencing of at least one newsgroup listing to an aspect of a program listing (see, for example, Pages 6-7 of the Specification), which allows a user to easily find all newsgroups related to a

specific topic of interest. In particular, a user can access a newsgroup related to any aspect of the program listing.

The Examiner asserts that:

Yen teaches a system for providing information regarding programming being viewed (col 3, lines 5-10) wherein additional information presented is selected by cross-referencing it with aspect of a program listing (such as subject matter, topic, or actors, col. 7, lines 26-27 and col. 8 line 58 –col. 9 line 12), providing the benefit of identifying content that is both relevant to the broadcast program being viewed and that is of interest to the viewer ("using one information source to determine priority for another" col. 3, lines 10-25). (see Office Action, page 4, lines 12-19)

The Examiner appears to interpret that "crosslinking", as described in Yen et al. (See Yen et al., col. 8, lines 57-65), is the same as "cross-referencing" as recited in amended base claims 1 and 94. Applicants respectfully disagree. Yen et al. clarify the meaning of "crosslinking" at col. 11, lines 4-15, by stating:

Crosslinks to related items can include...a hypertext link to a web site being displayed in a picture from a broadcast show, a hypertext link to a web site being displayed in closed-caption text or other annotation information (for example, a commercial for a Ford pickup truck can include hypertext links to Ford's web site and to web sites for pickup truck comparisons)..." (see Yen et al., col. 11, lines 4-11).

Thus, "crosslinking," as described by Yen et al., is the process of linking a first information source to a second information source via a "type of directive" such as a hypertext link that is embedded in the first information source. More importantly, a "crosslink" is provided by the first information source, itself. Yen et al. particularly provides the example "a commercial for a Ford pickup truck can include hypertext links..." (see Yen et al., col. 11, lines 8-9). Because information sources in Yen et al. provide the crosslinks, Yen et al. cannot not teach or suggest an "interactive television application" where "at least one of the program listings has at least one newsgroup listing cross-referenced to an aspect of the program listing by the interactive television application" as recited in amended base claims 1 and 94.

Because Yen et al. do not teach or suggest that "at least one of the program listings has at least one newsgroup listing cross-referenced to an aspect of the program listing by the interactive television application," Stautner et al. and Farris et al. in view of Yen fail to teach or suggest all of

the elements of base claims 1 and 94. Therefore, there is no prima facie case of obviousness and the §103(a) Rejection of base claims 1 and 94 should be withdrawn.

Because claims 2-11, 14, 15, 95-104, 107, and 108 depend from, and are limited by, base claims 1 and 94, the §103(a) Rejection of these claims should be withdrawn.

Claims 12 and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner, Farris, and Yen, and further in view of Dillon. Because Dillon fails to make up for the lack of teaching in Stautner, Farris, and Yen as discussed above, there is no prima facie case of obviousness with respect to claims 12 and 105. Therefore, the §103(a) Rejection of claims 12 and 105 should be withdrawn.

Claims 13 and 106 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner, Farris, and Yen, and further in view of Alexander. Because Alexander fails to make up for the lack of teaching in Stautner, Farris, and Yen as discussed above, there is no prima facie case of obviousness with respect to claims 13 and 106. Therefore, the §103(a) Rejection of claims 13 and 106 should be withdrawn.

Claims 27-33, 120-126, 188, and 191 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner in view of Farris, Yen, Scharber, and Humes. Because Scharber and Humes fail to make up for the lack of teaching in Stautner, Farris, and Yen as discussed above with respect to claim 1, there is no prima facie case of obviousness with respect to claims 27-33, 120-126, 188, and 191. Therefore, the §103(a) Rejection of claims 27-33, 120-126, 188, and 191 should be withdrawn.

Claims 34, 35, 37, 127, 128, and 130 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner, Farris, Yen, Scharber, and Humes, and further in view of Cirasole. Because Cirasole fails to make up for the lack of teaching in Stautner, Farris, Yen, Scharber and Humes as discussed above, there is no prima facie case of obviousness with respect to claims 34,

35, 37, 127, 128, and 130. Therefore, the §103(a) Rejection of claims 34, 35, 37, 127, 128, and 130 should be withdrawn.

Claims 36 and 129 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stautner, Farris, Yen, Scharber, Humes, and Cirasole, and further in view of Dillon. In view of the above discussion, there is no prima facie case of obviousness with respect to claims 36 and 129. Therefore, the §103(a) Rejection of claims 36 and 129 should be withdrawn.

Claims 53-57, 60-62, 146-150, 153-155, 189, and 192 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Farris and Yen. However, Alexander, Farris, and Yen, either alone or in combination, fail to teach or suggest that "the subject matter of the newsgroup content is cross-referenced to an aspect of the television programming" as recited in base claims 53 and 146. Thus, there is no prima facie case of obviousness with respect to claims 53-57, 60-62, 146-150, 153-155, 189, and 192, and the §103(a) Rejection of these claims should be withdrawn.

CONCLUSIONS

In view of the above amendment, remarks and discussion, applicant believes the pending application is in condition for allowance.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge our Deposit Account No. 18-1945, under Order No. UV-154 (003597-0154) from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

Christopher P. Carroll

Registration No.: 55,776

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant